1				
1	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General BRETT KINGSBURY Deputy Attorney General State Bar No. 243744 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004			
2				
3				
4				
5				
6	Telephone: (415) 703-1192 Facsimile: (415) 703-5480 Facsimile: (415) 703-6480			
7	E-mail: brett.kingsbury@doj.ca.gov  Attorneys for Complainant			
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
9				
10	STATE OF CALIFORNIA			
11	In the Matter of the Accusation Against: Case No. 2011-10			
12	GREGORY CHARLES ASHMORE 2459 Carnation Ave			
13	Fairfield, CA 94533 Registered Nurse License No. RN 562209  A C C U S A T I O N			
14	Respondent.			
15				
16	Complainant alleges:			
17	PARTIES			
18	1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her			
19	official capacity as the Interim Executive Officer of the Board of Registered Nursing.			
20	2. On or about January 20, 2000, the Board of Registered Nursing issued Registered			
21	Nurse License Number 562209 to Gregory C. Ashmore (Respondent). The Registered Nurse			
22	License was in full force and effect at all times relevant to the charges brought herein and will			
23	expire on April 30, 2011, unless renewed.			
24	JURISDICTION			
<ul><li>25</li><li>26</li></ul>	3. This Accusation is brought before the Board of Registered Nursing under the			
27	authority of the following laws. All section references are to the Business and Professions Cod			
28	unless otherwise indicated.			
∠.∪				

### STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
  - 5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.
- 7. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

#### **COSTS**

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

# 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

### CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- Respondent is subject to disciplinary action under section 2761(a)(4) in that Respondent has engaged in unprofessional conduct. The circumstances are as follows:
- On or about September 5, 2002, the Tennessee Board of Nursing ordered 10. Respondent's license to practice nursing revoked in a disciplinary proceeding entitled In the Matter of Gregory C. Ashmore, RN, Case Number 17.19132317-A. The revocation was ordered on the ground that Respondent engaged in sexual intercourse with a patient admitted to an alcohol and drug ward at the mental health facility where Respondent was employed.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 562209, issued to 1. Gregory C. Ashmore:
- Ordering Gregory C. Ashmore to pay the Board of Registered Nursing the reasonable costs of investigation and enforcement of this case;
  - Taking such further action as is deemed necessary and proper. 3.

DATED:	July 2	2010	Stace Benn
_		Car	LOUISE R. BAILEY, M.ED., R.N.
		FOR	Interim Executive Officer
•		•	Board of Registered Nursing
			State of California
•			Complainant

SF2010201309 20301189.doc

27

28